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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 (SAN JOSE DIVISION)
12

13 SENTIUS INTERNATIONAL, LLC,
14 Plaintiff,
15 v.
16 MICROSOFT CORPORATION,
17 Defendant.

Case No. 5:13-cv-00825 PSG

**DEFENDANT MICROSOFT
CORPORATION'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

18 AND RELATED COUNTERCLAIMS
19

20 Pursuant to Civil Local Rule 79-5, Defendant Microsoft Corporation ("Microsoft") hereby
21 moves the Court for permission to file under seal the following documents:

- 22 • Exhibits A, D, E, N, P, AE, AF, and AI to the Declaration of Jonathan J. Lamberson
23 in Support of Defendant Microsoft Corporation's Motion for Summary Judgment
24 and *Daubert* Motions

25 The basis for Microsoft's request is as follows:

- 26 • With respect to Exhibit A, this exhibit contains a detailed description of the structure,
27 function and operation of Microsoft's highly confidential source code for the accused
28

1 features in the accused Microsoft Office products. The structure, function and
2 operation of Microsoft's source code is proprietary and highly confidential. The
3 public disclosure of the structure, function and operation of Microsoft's source code
4 would place Microsoft at a significant risk of harm from competitors or others who
5 may attempt to make unauthorized use of that code, or who may potentially attempt
6 to exploit vulnerabilities in that code, if any exist. The underlying source code, as
7 well as the report describing it, have been designated as Highly Confidential
8 pursuant to the Protective Order entered in this case. Microsoft's request is narrowly
9 tailored to seal only those portions of Exhibit A that discuss the structure, function
10 and operation of its source code.

- 11 • With respect to Exhibits D & E, these are copies of deposition transcripts which
12 Sentius designated Highly Confidential. Pursuant to Civil Local Rule 79-5(e),
13 Microsoft expects that Sentius will submit a declaration as required by subsection
14 79-5(d)(1)(A) establishing that all of the designated materials is sealable, or
15 alternatively that it will withdraw the designations.
- 16 • With respect to Exhibit N, this exhibit contains a detailed description of the
17 structure, function and operation of Microsoft's highly confidential source code for
18 the accused features in the accused Microsoft Office products. The structure,
19 function and operation of Microsoft's source code is proprietary and highly
20 confidential. The public disclosure of the structure, function and operation of
21 Microsoft's source code would place Microsoft at a significant risk of harm from
22 competitors or others who may attempt to make unauthorized use of that code, or
23 who may potentially attempt to exploit vulnerabilities in that code, if any exist. The
24 underlying source code, as well as the report describing it, have been designated as
25 Highly Confidential pursuant to the Protective Order entered in this case.
26 Microsoft's request is narrowly tailored to seal only those portions of Exhibit A that
27 discuss the structure, function and operation of its source code.
28

- 1 • With respect to Exhibit P, Microsoft's request is narrowly tailored to include only
2 the following confidential information:
 - 3 ○ At pages 33-35, a discussion of a patent valuation produced by Sentius and
4 designated by Sentius as Highly Confidential. Pursuant to Civil Local Rule
5 79-5(e), Microsoft expects that Sentius will submit a declaration as required
6 by subsection 79-5(d)(1)(A) establishing that all of the designated materials
7 is sealable, or alternatively that it will withdraw the designations.
 - 8 ○ At the bottom of page 35, the top of page 42, the top of page 90, pages 91-94,
9 109, 111-113, and 116, a discussion of highly confidential settlement
10 agreements entered into between Microsoft and various third parties. The
11 terms of these settlement agreements are confidential and disclosure of the
12 terms would violate the agreements themselves and would prejudice
13 Microsoft by disclosing its confidential litigation and settlement strategies
14 with respect to these prior cases. The agreements were produced in the case
15 and designated highly confidential pursuant to the protective order.
 - 16 ○ At pages 96-97, a discussion of confidential research studies and other
17 confidential internal Microsoft documentation regarding the accused features.
18 The disclosure of these internal discussions and investigations regarding the
19 accused features would have the potential to place Microsoft at a competitive
20 disadvantage if disclosed to its competitors.
 - 21 ○ At pages 104-105, 114, Exhibit 27 and Exhibit 31, a discussion of the sales
22 and profitability for the accused products. Microsoft does not publish sales
23 figures or profitability figures by product. These numbers were obtained
24 from highly confidential internal sales information produced during the
25 litigation and designated highly confidential pursuant to the Protective Order.
26 The disclosure of this information has the potential to cause competitive
27 disadvantage should it become known to Microsoft's competitors.
28

- With respect to Exhibit AE, this is a copy of a confidential settlement agreement between Microsoft and a third party. The terms of these settlement agreements are confidential and disclosure of the terms would violate the agreement itself and would prejudice Microsoft by disclosing its confidential litigation and settlement strategies with respect to these prior cases. The agreement was produced in the case and designated highly confidential pursuant to the protective order.
- With respect to Exhibit AF, this document contains a discussion of materials that Sentius designated Highly Confidential. Pursuant to Civil Local Rule 79-5(e), Microsoft expects that Sentius will submit a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated materials is sealable, or alternatively that it will withdraw the designations.
- With respect to Exhibit AI, this document contains a confidential research study Microsoft obtained regarding the accused features. The disclosure of this internal investigation regarding the accused features would have the potential to place Microsoft at a competitive disadvantage if disclosed to its competitors

Filed concurrently herewith and pursuant to Civ. L.R. 79-5(c) are the confidential and non-confidential versions of Exhibits A, N, P, and AF to the Declaration of Jonathan J. Lamberson in Support of Defendant Microsoft Corporation's Motion for Summary Judgment and *Daubert* Motions. With respect to Exhibits D, E, AE, and AI, Microsoft seeks to seal the exhibits in their entirety.

For the foregoing reasons, Microsoft respectfully requests that the Court grant its request to file the documents described above under seal.

Dated: December 2, 2014

FISH & RICHARDSON P.C.

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